IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 702 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MOYADVAS NATHAJI GRAM PANCHAYAT

Versus

STATE OF GUJARAT

Appearance:

MR AM PAREKH for the Petitioner.

MR GM GANDHI for Respondent No. 1

NOTICE SERVED for Respondent No. 2,6

MR AMIT J SHAH for Respondent No. 3-5

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

The petitioner is the original plaintiff of Regular Civil Suit No.271 of 1996. The said suit is filed for permanent injunction and declaration. In the

aforesaid suit, an application was given by the plaintiff for interim injunction. The trial court rejected the said application, against which an appeal, being Civil Miscellaneous Appeal No.5 of 1997, was preferred by the present petitioner. The said appeal was also dismissed, against which this revision application is filed by the petitioner.

It is not in dispute that the present revision is filed against an interlocutory order in the suit and in view of the amendment in Section 115 of the Code of Civil Procedure, this CRA is rejected as not maintainable. Rule is discharged. No costs.

It is clarified that it would be open for the petitioner to challenge the impugned order by filing a Special Civil Applicaiton under Article 227 of the Constitution of India, if the petitioner so desires. In order to enable the petitioner to take appropriate recourse in accordance with law, interim relief granted by this Court is ordered to be extended upto 24th March, 2004.

10th March, 2004 (P.B. Majmudar, J.)

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(apj)